

Planning Commission Public Hearing
Staff Report
March 15, 2007



Case:	9-44-06CVW, Change in zoning from R-1 and R-4 single-family residential to OR-3 office-residential and a Conditional Use Permit for ambulatory care center, urgent care center and medical offices on property located at 4904, 4910 and 5000 Chamberlain Lane and an adjacent lot with no address, known as W0006/Lot 99 (Tax Block W006, Lot Numbers 74, 99, 71 and 72), containing 19.40 acres and being in Louisville Metro.
Project Name:	Jewish Hospital/St. Mary's Healthcare Ambulatory Care Services
Location:	4904, 4910 and 5000 Chamberlain Lane and an adjacent lot with no address know as W0006/Lot 99
Owner(s):	JH Properties, Inc., J. Demo Johns, Ima L. Johns and Chamberlain 5000, LLC
Applicant:	Jewish Hospital & St. Mary's Healthcare, Inc.
Representative:	Glenn Price & Phil Bills
Project Size/Area:	19.40 acres
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard
Case Manager:	Kristen Millwood, Planner II, (Presented by Beth Allen, Planning Supervisor)

Request

Change in zoning from R-1 and R-4 single-family residential to OR-3 office-residential and a Conditional Use Permit to allow an ambulatory care center, urgent care center and medical offices and an associated detailed district development plan.

Staff Recommendation

Staff recommends approval of the rezoning request and approval of the development plan and approval of the conditional use permit subject to all associated binding elements contained within this report.

Case Summary / Background

Summary

The applicant requests approval to rezone the subject site to build a 35,000 square-foot ambulatory care center and 70,000 square feet of medical offices in a single 105,000, three-story building on phase one of this site. Phase one is accessed from Chamberlain Lane and Angie's Way. There is a detention basin at the rear of the site. The ambulatory care/urgent care center proposes to offer diagnostic services, lab work, ekgs, mammograms, cardiopulmonary tests, MRIs, CT scans, ultrasounds and urgent care.

There is one proposed monument sign at each entrance to the development. A future hospital may occupy phase two of this site. It is shown on the site plan as being a three-story 154,000 square-foot building including a walk-out basement. The number of beds are yet to be determined. Phase two abuts Interstate 71 and is accessed through phase one. The entrance from Chamberlain Lane as well as a rear loop road will need to be extended to serve phase two when it is ready to proceed.

Phase one has received a Certificate of Need from the state. This re-zoning request includes both phases of the site, however the detailed district development plan and Conditional Use Permit (CUP) are requested only for phase one. Phase two, when it is ready to become active, will need to seek approval of a revised detailed district development plan, CUP and Certificate of Need and revised traffic and air quality studies.

Since the original submittal of this plan, the applicant has worked with staff to reduce the amount of parking on site and the size of the phase one structure in order to accommodate a loop road and extended entrance which will both serve phase two.

Waivers

The waiver to permit 100% overlap of a VUA LBA and a LWC easement has been eliminated. The applicant has established that additional ROW was granted along Chamberlain Lane in the early 1980s which was not accurately reflected on the plans. Based on the new ROW line, more of the LWC easement is in the ROW and there is adequate room for the VUA LBA without overlapping the easement more than 50%.

Site Context

This site is located immediately south of Interstate 71 and lies north of Brownsboro Road. It is accessed off of Chamberlain Lane and Angie's Way. It is near the Costco site.

Land Use / Zoning District / Form District

Land Use	Zoning	Form District
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Subject			
Existing	Residential	R-1 & R-4	Regional Center
Proposed	Medical office, urgent care center, ambulatory care center and future hospital	OR-3	Regional Center
Surrounding			
North	Gene Snyder ROW		
South	Vacant	C-2	Regional Center
East	Single-family residential	R-4	Neighborhood
West	Commercial & Vacant Office	OR-3 & C-2	Regional Center

Background

There have been no previous zoning actions on this site.

Project History

Project History	Date
Pre-App. Review	7/25/06
Project submittal	8/17/06
Revision submittal #1	10/2/06
Revision submittal #2	11/30/06
Revision submittal #3	12/12/06
Revision submittal #4	12/29/06
LD&T review	1/25/07
Revisions per staff/LD&T comments	2/14/07
Public Hearing	3/15/07

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

STAFF FINDINGS

Community Form/Land Use

The re-zoning request to OR-3 is appropriate as there has been major changes of economic, physical, or social nature within the area involved which have substantially altered the basic character of the area from low-intensity residential uses to a growing regional activity center. This property is surrounded by a large swath of commercially-zoned land and some OR-3 zoned land (the same designation this proposal seeks). It is also bordered by Interstate 71 and is separated from single-family residential uses by a primary collector road. This

request is also in conformance with the Regional Center Form District. This form district is distinguished by medium and high-intensity commercial development serving a regional market, as would the proposed ambulatory care center, medical office and future hospital. A wide range of related uses, including residential, office and institutional development is strongly encouraged. The Regional Center this site is part of also includes Old Brownsboro Crossings and The Summit.

Compatibility – Consideration of Building Materials

Elevation renderings of the proposed urgent and ambulatory care center have been reviewed against the building design standards of the land development code. The building facades that face public streets have been articulated with windows along more than 60 percent of the building length and the roof line has been varied as required.

The proposed building is consistent with the height and massing of structures allowed within the Regional Center Form District and with already existing structures in this area.

Open Space

As discussed at the January 25th LD&T meeting, the “Future Parking” area on the plan is now shown as an open, grassed area with sidewalk connections and a picnic pavilion that will serve as an open space amenity for the development until such time that the future parking area is needed.

Mobility/Transportation

Impact of Development; Impact Mitigation

The applicant has prepared an extensive Traffic & Air Quality Analysis as required by Transportation Planning and Air Pollution Control District staff. The traffic portion of the study consists of A.M. and P.M. peak hour capacity analyses of critical intersections in the area for 2009 growth (no-build), 2009 developed (phase I build), 2016 growth (no-build), and 2016 developed (phase I & II build). The analysis indicates that the KY22 intersections from the south-bound ramps to Chamberlain Lane will experience operational deficiencies (LOS F) for both the 2009 and 2016 scenarios even without development of this proposal. This is due to future growth and traffic generated by previously approved developments in the area that have yet to be completed and the area's access and capacity limitations of the existing interchange/interstate system.

For Phase I of this proposal (105,000 sf. medical office), 261 AM and 330 PM total peak hour trips are projected to be generated. This is the only phase of the project that the applicant is currently seeking detailed plan approval. For analysis purposes, it was assumed that Phase II would include a 140 bed hospital which is projected to generate an additional 158 AM and 182 PM total

peak hour trips. Phase II will be subject to another development plan application along with an updated traffic and air quality study per Metro requirements.

No improvements have been identified to mitigate the impacts of this development, however, as with the other recently approved projects in the area, the applicant has agreed to contribute an equitable amount of monies to the KY22/Brownsboro Rd. area road improvement projects currently underway by Metro and KTC.

The nearby Cobblestone subdivision residents have expressed concerns about cut-through traffic on Glasgow Boulevard. The applicant has provided a letter of commitment for the file and proposes a binding element (no. 6) stating that upon written request of either of the two Cobblestone Homeowners' Associations, the applicant will contribute a sum of \$10,000 for traffic reducing measures (i.e. speed bumps) on Glasgow Boulevard.

Bike and Pedestrian Circulation

Sidewalks will be provided on Chamberlain Lane and already exist along Angies Way. Sidewalks are also shown within the site as required by the Land Development Code (LDC).

Livability/Environment

Accommodation of Stormwater Runoff; Compensatory Storage

A detention basin has been provided as required by MSD. The applicant has agreed to provide landscaping around the detention basin as illustrated on a concept landscape plan they have submitted for the record. Additionally, binding element No. 12.c references this concept plan and requires that a landscape plan be reviewed and approved by PDS staff prior to issuance of permits for the project.

Water Quality

At the January 25th LD&T meeting the applicant agreed to research the possibility of using oil/water separating mechanisms within catch basins of the parking lot to help address water quality concerns of the Wolf Pen Branch Neighborhood Association. The applicant has agreed to install one or more of these mechanisms on the site and has supplied a binding element (no. 5) to support this commitment.

Clean Air Standards

The assessment from the Air Quality Analysis indicates that the Jewish Hospital Center North East will not create an adverse air quality impact on the National Ambient Air Quality Standard (NAAQS) for carbon monoxide for both build-out phasing of years 2009 and 2016. A review of the analysis seems to reveal in this case that future federal fuel efficient improvements and programs designated for implementation to mobile sources, which are reflected by lower 2016 carbon

monoxide (CO) emission factors, offset the higher CO concentrations associated to the additional traffic generated from the proposed hospital anticipated for phase 2 of this development. A letter from the Louisville Metro Air Pollution Control District is on file.

Conditional Use Permit

Phase one meets the setback requirement for a Conditional Use Permit (minimum of 30' from any property line) and has provided the Certificate of Need as required. The applicant has revised the proposed monument sign to meet the CUP limitations of 10 feet tall maximum and 80 square feet in area maximum.

Relationship to Neighborhood, Small Area, Corridor or Other Plans

None.

Standard of Review

Criteria for granting the proposed rezoning:

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; **or**
2. The existing zoning classification is inappropriate and the proposed classification is appropriate; **or**
3. There have been major changes of an economic, physical, or social nature within the area involved, which were not anticipated in Cornerstone 2020, which have substantially altered the basic character of the area.

Standard of Review – Conditional Use Permit

Hospitals, Clinics, and Other Medical Facilities:

Facilities requiring a Certificate of Need issued by the Commonwealth of Kentucky, including hospitals, clinics, and other medical facilities, may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Signs - One freestanding sign, not to exceed 80 square feet in area or 10 feet in height, may be placed at each of the major entrances, except in districts where signs are allowed. Attached signs may be located at any height. The Board shall determine the size of all attached signs.

B. All buildings and structures shall be at least 30 feet from any property line.

Attached Documents / Information

- LOJIC map of subject site
- Applicant's Zoning Change Justification Statement

Notification

The following forms of notification were provided pertaining to this proposal:

Notification

Date	Description	Recipients
1/11/07	Notice of Jan 25 th LD&T Meeting	Adjoining property owners and neighborhood group listing for Council District 16
2/13/07	Notice of march 15 th Public Hearing	First and second tier adjacent property owners and neighborhood group list for Council District 16

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

Proposed Binding Elements – Docket #9-44-06CVW (unique to this case)

1. Developer shall improve Chamberlain Lane and entrance intersection to provide a north-bound left-turn storage lane and a south-bound right-turn lane per Metro Public Works requirements. Sidewalks shall be placed as required to be a minimum of 6' in width if it is integral with the curb. Developer shall be responsible for utility relocations, final surface overlay, and striping associated with required road improvements. Sidewalk shall use Old Louisville Mix along Chamberlain Lane.
2. Access provided from Angie's Way permitted by note #12 on Plat Book 50, Page 65. "Future access shall be provided from Angie's Way across lot 16 to the Kim property on the northerly side of lot 16". Access easements shall be recorded prior to construction permit approval.
3. Developer shall contribute \$1.50 x total building square footage to the KY 22/Brownsboro Road area road improvement project. Contribution shall be required to be paid to Metro Public Works prior to their construction approval for each building.
4. Phase 1 as labeled and shown in bold type on this plan is the only phase of this project currently under development plan review and seeking development plan approval. Phase 2 as shown in light print will be the subject of another development plan application to be submitted at a future date along with an updated traffic and air quality study per Metro requirements.
5. One or more oil/water separation units shall be installed as part of the stormwater drainage system on site in order to reduce water quality impacts from surface water flows. The unit(s) shall be serviced by the Applicant according to the manufacturer's specifications for maintenance.

The Metropolitan Sewer District shall have no responsibility to service or maintain the units(s).

6. Upon written request of either or both of the two Cobblestone homeowners associations (Cobblestone Council of Co-Owners and/or Cobblestone Estates Homeowners Association), Applicant shall contribute a sum not to exceed ten thousand dollars (\$10,000) in the aggregate, for the purpose of reducing or preventing non-resident traffic on Glasgow Boulevard.

Proposed Standard Binding Elements - Docket #9-44-06CVW

7. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
8. The development shall not exceed 105,000 square feet of gross floor area.
9. Signs shall be in accordance with Chapter 8.
10. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
11. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
12. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat shall be recorded creating the lot lines and sidewalk easement along Chamberlain Lane as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services;

transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Said plan shall include landscaping that is substantially the same as that shown on the concept landscape plan submitted at the March 15, 2007 Planning Commission public hearing. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- 13. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 - 14. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 - 15. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 - 16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 15, 2007 Planning Commission meeting.
 - 17. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits

shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

The above binding elements of the district development plan are agreed to by the property owner _____, 2007.

OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

Name

Title

Date

LOCATION MAP
9-44-06CVW

